

Sec. 138-13. Affixing signs within right-of-way.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
 - (1) *"Affix"* shall mean the act of tacking, nailing, posting, gluing, painting, stapling, marking or writing upon the surface of any structure or directing, authorizing or paying another to do such act.
 - (2) *"Public property"* within the public right-of-way shall mean the area lying within the dedicated or prescriptive easement of any street or road located within the city, whether improved or not, including sidewalks, ditches, drains, the tree lawn areas between detached sidewalks and streets, roadway medians, parkways, bridges, utility poles and boxes, street signs and sign poles.
 - (3) *"Sign"* shall mean any material containing printed or written matter in words, symbols, pictures, or any combination thereof, including, but not limited to flyers, handbills, pennants, posters, and streamers.
 - (4) *"Special event sign"* shall mean any temporary sign which shall advertise or promote any meeting, event, gathering, function, entertainment or other activity scheduled for a particular date or series of consecutive days.
- (b) *Signage prohibited.* Except as provided in this section, it shall be unlawful to post or affix signs on public property within the public right-of-way.
- (c) *Exceptions.* Nothing in this section shall apply to the installation of the following:
 - (1) Metal plaques or plates commemorating a historical, cultural or artistic event, location or personality;
 - (2) Signage identifying licensed franchisees of the city or indicating the presence of workers of permitted utilities and their facilities or equipment within or immediately adjacent to the right-of-way;
 - (3) Signage identifying or directing vehicular or pedestrian traffic to or from property immediately adjacent to the signage when displayed on structures under the ownership or control of the property owner or lessee;
 - (4) Signage providing public transportation information;
 - (5) Signage providing direction to governmental facilities, hospitals or houses of worship;
 - (6) Signage affixed pursuant to permits issued by governmental entities having authority to do so;
 - (7) Signage used to provide for the safety of individuals using the public right-of-way or immediately adjacent property;
 - (8) Flags, banners, bunting, signs, displays or other forms of decoration which are displayed in conformance with and permitted by section 138-60; or
 - (9) Commercial advertisements which are displayed in and on bus shelters in

conformance with the requirements of O.C.G.A. § 32-6-51.

- (d) *Removal.* Any signs found upon any public property, not in compliance with this section, may be removed by the city. The person(s) responsible for causing the unlawful sign to be placed on any public property may be held responsible for the cost of removal. These persons shall include, but are not limited to, any individuals or businesses whose advertisement, message or information appears on or is contained in any sign or notice unlawfully placed on public property.
 - (e) *Special event signage.* Any special event signs found upon any public property may be removed by the city. The person(s) responsible for causing the unlawful special event sign to be on public property may be held responsible for the cost of removal. In addition, the person(s) responsible for causing the unlawful special event sign to be on public property shall be subject to a minimum of three days in jail. These persons shall include, but are not limited to, any individuals or business whose special event appears on or is contained in any special event sign or notice unlawfully placed on public property and any individual responsible for authorizing, directing, or paying persons who unlawfully place special event signs on public property.
 - (f) *Citations.* Any person violating this section shall receive a citation. The citation shall state the date, location, and brief description of the violation. The citation penalty may be paid prior to the assigned court date, in the amount of \$100.00 per violation to cover the removal of the unlawfully placed sign. Payment may be made as directed by the citation. Upon a third, and subsequent, violation, the person cited must appear in court.
 - (g) *Penalties.* Any person violating this section shall be subject to one or more of the following penalties:
 - (1) A fine not to exceed \$1,000.00 upon appearance before the judge of the municipal court, for each unlawfully placed sign or special event sign;
 - (2) Imprisonment for a term not exceeding five days.
- Fines that remain unpaid after 60 days will automatically trigger a separate violation, resulting in the responsible person(s) being subject to the penalties provided in this chapter, in addition to the original fines and/or jail time.
- (h) *Enforcement.* Any person empowered by the City of Atlanta to issue citations may enforce the provisions of this section.

(Code 1977, § 9-3012; Ord. No. 2001-22, § 1, 3-14-01; Ord. No. 2004-36, § 1, 6-24-04; Ord. No. 2006-77, § 1, 11-14-06)

Cross references: Signs generally, § 6-26 et seq.

Land Development Code Reference--Supplemental zoning provisions pertaining to signs, § 16-28A.001 et seq.